

ADOPTION SECTION

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Notice of Administrative Corrections

Uniform Construction Code

Rehabilitation Subcode

Change of Use

Asbestos Hazard Abatement Subcode

Asbestos Safety Control Monitor

N.J.A.C. 5:23-6.31 and 8.11

Take notice that the Department of Community Affairs has discovered typographic errors in the text of N.J.A.C. 5:23-6.31 and 8.11.

In N.J.A.C. 5:23-6.31(m)2, the second "the" in the phrase "When the use of a building is changed to the Group R-2, R-3, R-4 or R-5" should be "to." In the November 17, 2003 publication of a notice of proposal that included an amendment to this paragraph, the preposition "to" in the then-current Code text was erroneously printed as "the." See PRN 2003-458; 35 N.J.R. 5190(a). This error was continued in the notice of adoption of the amendment (see 36 N.J.R. 1758(a)), and incorporated into the Administrative Code through the 4-5-04 Code update.

In N.J.A.C. 5:23-8.11(e)1, the word "emerged" in the phrase "or has emerged in misconduct in the performance of any of its duties" should be "engaged." In the April 20, 1992 publication of the notice of proposal for N.J.A.C. 5:23-8.11 as a new rule, "engaged" was erroneously printed as "emerged." See 24 N.J.R. 1422(a). While the word appeared correctly in the submitted notice of adoption of the proposal (see R. 1993 d. 198), the typographic error continued in the published notice of adoption at 25 N.J.R. 2519(b), and was incorporated into the Administrative Code through the 6-21-93 Code update. Within the context of the phrase, the error and the correct word are obvious.

This notice of administrative corrections is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rules follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

5:23-6.31 Change of use

(a) - (l) (No change.)

(m) Electrical Requirements: The following electrical requirements shall apply in changes of use:

1. (No change.)

2. When the use of a building is changed [the] to Group R-2, R-3, R-4 or R-5, the electrical wiring and equipment of the building shall comply, at a minimum, with the Basic Requirements of this subcode for that use and shall have the electrical service (conductors and equipment) sized and rated in accordance with the electrical subcode. (Electrical)

(n) - (p) (No change.)

5:23-8.11 Asbestos safety control monitor

(a) - (d) (No change.)

(e) Penalty, suspension and revocation procedures are as follows:

1. In addition to any other remedies provided by the Uniform Construction Code regulations, N.J.A.C. 5:23, the Department may suspend or revoke its authorization of any asbestos safety control monitor or assess a civil penalty, in accordance with N.J.A.C. 5:23-2.31, if the Department determines that the authorization or reauthorization was based on the submission of fraudulent or materially inaccurate information, or that the authorization or reauthorization was issued in violation of this subchapter, or that a change of facts or circumstances makes it unlikely that the asbestos safety control monitor can continue to discharge its responsibilities under this subchapter in a satisfactory manner, or any provision of this subchapter has been violated, or that the asbestos safety control monitor has been negligent or has [emerged] engaged in misconduct in the performance of any of its duties, or that the asbestos safety control monitor has failed to maintain a minimally acceptable level of competence.

2. - 4. (No change.)

(f) - (h) (No change.)